

**PROPOSED 2004 AGENCY REQUEST LEGISLATION**

**BRIEFING PAPER**

Prepared for the  
September 2003 TRANSPORTATION COMMISSION

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**PURPOSE:**

To provide the Commission with an overview of the Department's agency request recommendations for the 2004 Session.

**ACTION/OUTPUT:**

This is an informational briefing on proposals the Department is recommending as possible agency request legislation and to seek the Commission's views prior to moving any of these issues forward.

**BACKGROUND:**

State law requires that the Commission review and approve all Departmental requests for legislation. In addition, the Governor's Office has a review process for the development and introduction of agency request legislation.

The timetable for developing and formalizing agency request legislation is as follows:

**June – July:** Staff are asked for suggestions of potential policy or budget initiatives that might require legislation in 2004.

**July – August:** Suggestions are refined, bill drafts are prepared and the collaborative process of discussing these issues with other agencies and stakeholder groups begin.

**September:** The Department's legislative recommendations are presented to the Commission for review and consideration. The proposals are also provided to the Governor's Office and the Office of Financial Management for their review.

**October:** Seek formal Commission approval of the Department's agency request recommendations.

**November – December:** The Department is responsible for finding legislative sponsors for approved recommendations.

**January:** The 2004 Legislative Session convenes on Monday, January 12, 2004.

### **DISCUSSION:**

Prior to each legislative session, Department staff makes suggestions for essential or highly desirable changes in law that would contribute to better operation of the Department. These do not include major policy issues that are typically addressed as part of the House or Senate Transportation Committees' Interim Activities Plan.

### **RECOMMENDATION AND MOTION:**

Formal Commission action on the Department's agency request package will be requested in October

### **DECISION:**

No action is required at this time.

For further information, please call Don Griffith at (360) 705-7022.

**PROPOSED LEGISLATIVE RECOMMENDATIONS  
2004 SESSION**

**Washington State Department of Transportation**

**September 2003**

## **1. Electronic toll collection – Tacoma Narrows Bridge**

Toll collection for the new Tacoma Narrows Bridge will require legislation to define collection methods for electronic toll collection (ETC), the preferred toll payment method and to address the enforcement of toll non-payment. This legislation needs to be in place before the bridge is open to traffic, which is scheduled to occur in 2007. While the language is intended to apply to the Tacoma Narrows Bridge Project, the definitions of toll collection systems and photo monitoring systems is broad enough to apply to other tolling projects that might be authorized by the legislature in the future. This is true of the enforcement proposal as well.

Minor changes to the existing Dept. of Licensing (DOL) vehicle registration legislation are needed to allow the department or its designated representative to request registration information from the DOL to identify toll violators. Minor changes are also needed to the Public-Private Transportation Initiatives legislation (RCW 47.46) to define electronic toll collection methods.

## **2. Enforcement of toll collection violations**

In concert with the toll collection process, legislation is also needed to support enforcement of toll non-payment.

In many other states, toll collection facilities have specific legislation to support toll violation enforcement so that as ETC payments become the major source of revenue, chronic violators can be pursued and deterred using more stringent measures. These often include traffic infraction citations which if not paid can escalate to vehicle registration holds until the outstanding citations are paid. Enforcement legislation generally provides greater assurance to bondholders and other investors that toll payments will be collected from all users and that toll violators will be aggressively pursued so that non-payments may be reduced to the lowest possible level. The proposed legislation would be non-specific to the Tacoma Narrows Bridge project so that other toll facilities in the state could use the provisions to enforce violations, particularly in ETC only lanes (or HOT lanes).

## **3. Recovering costs associated with damages to public facilities**

We are recommending legislation that would allow us to include the cost of traffic control to the amount of damages recoverable from negligent damages sustained to our transportation facilities.

RCW 46.44.110 allows WSDOT to recover costs associated for the negligent damages to it's highway facilities, stating "Any person operating any vehicle is liable for any damage to any public highway, bridge, or elevated structure sustained as the result of any negligent operation thereof." Although an informal opinion of the DOT Attorney General's Office supports including traffic control called out by the Washington State Patrol as an element of damage under this statute, many insurance companies refuse to pay for these charges. This results in approximately \$40,000 per year of traffic control costs being unrecoverable.

WSDOT proposes amending 46.44.110 with the sentence, “For purposes of this section, damage includes costs incurred by the department for providing traffic control at the scene of the accident as requested by the Washington State Patrol.”

**4. Toll free operation of Puget Island Ferry during bridge closures**

We are recommending legislation to allow Wahkiakum County to provide toll free ferry service during bridge closures.

Existing law allows for toll free service of the Puget Island Ferry when SR 4 is closed. WSDOT is proposing that this language be expanded to allow for toll free operation when the Longview Rainier Bridge or the Astoria Meglar Bridge is closed due to emergency conditions and there are no other reasonably short suitable routes.

**5. HOT lane legislation**

The Transportation Commission directed WSDOT to conduct a study that may lead to the development of a demonstration project of the implementation and operation of a High Occupancy Toll (HOT) Lane. The results of this effort will be presented to the commission later this year. Legislation would be needed to authorize the demonstration project. This is a placeholder should we directed to develop agency request legislation to authorize the demonstration project.